

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77723 of 2023

Arising Out of PS. Case No.-17 Year-2022 Thana- HATHUA District- Gopalganj

Aman Kumar, S/O Pratap Singh, R/O Village- Manichhapar, P.S- Hathwa,
Distt.- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Javed Aslam, Advocate
For the Opposite Party	:	Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Hathua P.S. Case No. 17 of 2022 registered for the offences punishable under Sections 457 and 380 of the Indian Penal Code. It is submitted that on the date of registration of the present case, the petitioner had no case on his head but later on, one Golu Kumar arrested in Hatwa P.S. Case No. 333 of 2021 stated in his confession that the petitioner had been involved in three other cases described in paragraph '3' of the petition. It is further stated that the petitioner is not named in those cases.

3. As per the prosecution story, the informant alleged that some unknown thieves on 29.01.2022 at 06:00 P.M. committed theft in his house and took away gold ornaments

worth Rs.8 lakhs, 750gms silver worth Rs.4 lakhs and cash Rs.80,000/-.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the name of the petitioner has transpired in the confessional statement of co-accused Golu Kumar and similarly situated co-accused Rohit Kumar has already been granted anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 42517 of 2023.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein it is submitted that the name of the petitioner has transpired in the confessional statement of the co-accused Golu Kumar but there is no recovery from the possession of the petitioner and further that the petitioner had no criminal antecedent on the date of registration of the present case and a co-accused, namely, Rohit Kumar has been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 42517 of 2023, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection

with Hatwa P.S. Case No. 17 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XIV, Gopalganj, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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